

REMARKS***A. Status of Claims***

This paper amends claims 28-37, 39, 41, 45, and 47 and cancels claims 38 and 44 without prejudice or disclaimer to the subject matter recited therein. Claims 1-24, 27-37, 39-43, and 45-50 remain in this application and are presented for reconsideration.

B. Claim Interpretation

On pages 2 and 3 of the subject Office Action, the Office proposes some definitions for terms appearing in the claims of this application. Applicant respectfully objects to these proposed definitions as they fail to interpret the claims in the light of the alternative embodiments as presented in the Specification, and thus the proposed definitions are overly restrictive.

For example, the Specification clearly sets forth at page 5, lines 23-24 that the second program may also be “a dynamic link library having a plurality of generic macros for use with the set of first programs.” Additionally, the Specification provides, for example, at page 5, line 27 through page 6, line 3 that the third program may also be “a plurality of application specific dynamic link libraries, each application specific dynamic link library having one or more application specific macros associated with one or more of set of first programs.”

The MPEP § 2173.05(h) notes that alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. Applicant asserts that the terms “first programs,” “second programs,” “third programs,” and “fourth programs” are clear and concise, and should be accorded the meanings, *including the alternative meanings*, as disclosed in the Specification.

C. Claim Objections

Claims 38, 39, 45, and 47 stand objected for linking to independent method claims. Claims 38 and 44 have been canceled, thus eliminating the basis for this objection. It is noted that claim 44, which recited a similar limitation as claim 38, has also been canceled, even though claim 44 was not objected to.

Claim 39 has been amended to incorporate the limitations of claim 1. It is noted that this has also been done with respect to claim 41, even though claim 41 was not objected to. Claims 45 and 47 have been amended to incorporate the limitations of claim 20. In light of the amendments, Applicant respectfully requests the removal of the objections to claims 39, 45, and 47.

D. Section 112 Rejections

Claims 28 through 37 stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Particularly, the Office believes that the term “system” is vague and indefinite since the claim is not specified to a specific statutory type. While Applicant respectfully traverses the rejections, claims 28 through 37 have been amended to recite an apparatus. Removal of the § 112 rejection is respectfully requested.

E. Claims 1-24 and 27-50 are Patentable Under 35 U.S.C. § 103

Claims 1-24 and 27-50 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 6,341,368 to Deans in view of the publication entitled “Digital and Analog Electronic Design Automation” by Dewey, in further view of U.S. Patent 5,339,430 to Lundin *et al.* Applicant respectfully traverses.

Independent claim 1 recites in part: “providing an interface for communication between a set of first programs and a second program during program runtime.” Independent claims 20, 28, 31, 34, 42, 48, and 50 and amended claims 39, 41, 45, and 47 recite a similar limitation. As noted in the Response to the Office Action mailed June 25, 2004, Deans, separately or in combination with Dewey, fails to teach or suggest this limitation. Lundin does not supply the deficiencies.

The Lundin reference discloses transitioning between an old software program and a new software program. See FIG. 3 and column 9, lines 52-55. For example, referring to FIG. 3, when a new software program is loaded, the system determines if the new software works on the test traffic (step 36). If the new program does not work, it is removed (step 38). If the new program does work, Lundin discloses running samples of “actual traffic with the new software while maintaining the remainder of the normal traffic along with the old software and old data.”

(Col. 9, line 66 through Col. 10, line 3). Upon determining the new software works properly with the system, Lundin discloses removing the old software and old data. *See* step 52 of FIG. 3. Lundin further discloses, in integrating the new software program, pointers are used to “properly direct both ordinary, live traffic and test traffic to the proper version of the software.” (Column 10, lines 41-45). However, there is no interaction between the old software and the new software during the testing of the new software or in the traffic flow to the old and new software. As such, Lundin fails to teach or suggest providing an interface for communication between the old software program and the new software program.

For at least this reason, independent claims 1, 20, 28, 31, 34, 39, 41, 42, 45, 48, and 50, and their respective dependent claims are patentably distinct over the cited reference. Applicant respectfully requests the removal of the § 103(a) rejections.

CONCLUSION

Applicant believes the foregoing to be a fully and complete response to the subject Office Action, and respectfully requests the withdrawal of the rejection of claims 1-24, 27-37, 39-43, and 45-50, the allowance of these claims, and the issuance of a timely Notice of Allowance.

Should the Examiner believe that a personal discussion would be helpful, he is encouraged to contact the undersigned attorney at 512/536-3005 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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Date: November 7, 2005